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PARLIAMENTARY OATHS AND AFFIRMATIONS.

SPEECH delivered at the CITY BRANCH of the
CHURCH DEFENCE INSTITUTION, 25 May, 1881,
by the RIGHT HON. J. G. HUBBARD, M.P.

I CAN imagine no subject more grave, or more entitled to command the attention of this meeting, than that which I select as my theme in opening this evening's session of the "City" Church Defence Institution.

Charles Bradlaugh, returned by the electors of Northampton, presented himself at the table of the House of Commons on the 2nd May, 1880, and claimed to be allowed to affirm in virtue of the Evidence Amendment Acts, which enable persons "upon whose conscience an Oath has no binding effect, to give evidence in Courts of Justice upon an Affirmation."

This claim of Mr. Bradlaugh, referred to a Committee of the House, was negatived, and thereupon Mr. Bradlaugh again presented himself at the table of the House—this time—to take and subscribe the Oath. He was stayed from doing this, and his claim to take the Oath was referred to another Committee, which, on 16th June, 1880, decided "that the compliance by Mr. Bradlaugh with the form used when an Oath is taken would not be the taking of an Oath within the meaning of the statutes, and that the House could and ought to prevent his going through the form," but concluded by recommending "that he be permitted to affirm, in order that his right to do so might be determined by the Law Courts."

Upon the discussion of this Report, it was moved by Mr. Labouchere that he be permitted to affirm; but the House, by 275 against 230, approved Sir Hardinge Giffard's amendment

(on the 23rd June, 1880), "That, having regard to the anterior proceedings, Mr. Bradlaugh be permitted neither to take the Oath nor affirm." This Resolution was (on the 2nd July) set aside by the motion carried by the Prime Minister (with a majority of 54), "That every person *claiming* to be a person '*entitled to affirm*' shall be permitted to affirm without question, but subject to any liability by statute."

Thereupon Mr. Bradlaugh made and subscribed the affirmation prescribed in The Parliamentary Oaths Act 1866 and 1868. Having thereafter sat and voted, proceedings were instituted against him for the recovery of the penalties which he had incurred. The result of the proceedings was, that all the judges before whom the case was argued, viz., Mr. Justice Matthew in the Court of Queen's Bench, and in the Court of Appeal, Judges Bramwell, Bagallay, Lush, Brett, and Cotton concurred in deciding—"that Charles Bradlaugh was not a person by law permitted to affirm," that his having given evidence on affirmation in Courts of Justice had no relevance to his claim to make the affirmation prescribed as a qualification for a Member of Parliament, and that he had incurred the penalty attached to the omission of the oath by any one who (being neither Quaker, Moravian, nor Separatist) was not "a Quaker or other person by law permitted to affirm."

During the course of these proceedings, and while his appeal against this sentence was still pending, on April 1st, 1881, a new writ for Northampton was issued on the ground that Mr. Bradlaugh had vacated his seat by not taking the oath required by Parliament. Thereupon Mr. Bradlaugh again sought and obtained re-election. Presenting himself at the table of the House on the 26 April, and proposing to take the Oath, Sir Stafford Northcote interposed to prevent his so doing, and in reply to cries of "order" the Speaker declared "that having regard to the former resolutions of the House, and to the Reports of the Committees in reference to this matter, he could not withhold from the House the opportunity of expressing its judgment upon the new conditions under which the Oath is now proposed to be taken."

With this sanction Sir Stafford Northcote moved and carried

by 208 to 175, "That Mr. Bradlaugh be not permitted to go through the form of repeating the words of the Oath."

Mr. Bradlaugh, entering the House and refusing to withdraw in obedience to the direction of the Speaker or the House, was forcibly removed.

On the 10th May, Mr. Bradlaugh again forcing his way into the House, the House resolved, upon the motion of Sir Stafford Northcote, "That the Sergeant-at-Arms do remove Mr. Bradlaugh from the House until he shall engage not further to disturb the proceedings of the House."

At this stage of the affair the Government proposed to terminate the alleged difficulty by legislation, and on the 2nd May the Attorney-General moved for leave to bring in a Bill to amend the laws relating to Parliamentary Oaths; the motion was opposed, and to this day leave has not been given, and our purpose is to consider what justification the Government have for their proposal. The grounds alleged for this measure are the following:—

1. It is to obviate a continued struggle between the House and Mr. Bradlaugh;
2. It is to avoid a denial of electoral rights to the borough of Northampton;
3. It is to extinguish the last remains of religious tests.

These primary objections are easily disposed of:

1. The struggle between Mr. Bradlaugh and the House is ended by the irresistible order of the House, which excludes him from its precincts, and until the expiry of this Parliament will ensure immunity from his intrusion unless the Resolution be rescinded.

2. Temporarily Northampton is represented by one member instead of two, and for that grievance, if it be one, the electors of Northampton have themselves alone to blame. Like every other constituency they are unfettered in their choice of a representative, but their elect must qualify himself for his seat by assuming the responsibility of the office through one of the forms appointed by law, and according to the sense in which they were appointed. They knew at the last election, from the resolutions of the House, taken in connexion with the decisions

of the Law Courts, that Mr. Bradlaugh had been pronounced incapable of taking either Oath or Affirmation, and their re-electing him with that knowledge entailed the inevitable consequence of his rejection. It would be supremely ridiculous to gratify Northampton by affronting every respectable constituency in the United Kingdom.

3. The Oath and Affirmation now obligatory upon every member of the Legislature are not religious tests, distinguishing between one religion and another; they are the forms in which allegiance to the Crown is pledged by men of all religions.

The Oath (to be taken by every Member at the table of the house whilst a full House of Commons is sitting, with their Speaker in his chair) runs thus—

I *do swear* that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors according to law, *so help me God.*

From this brief and simple form no one is excepted unless he be a Quaker, Moravian, or Separatist, whose objection is founded not on their denial of God but on their holding God and His Name in such reverence that they decline to invoke Him even for the most solemn and serious purpose, and require, that as made in His presence, a full reliance should be placed on their Affirmation, distinguished from the Oath by the substitution for the words “do swear” of the words “do solemnly, sincerely, and truly declare and affirm,” and by the omission of the words “*so help me God.*”

As the existing Oath and Affirmation are not tests, neither are they the remains of intolerance. Their wise and enlightened purpose is to require from all admitted to the responsible duty of legislating for “the advancement of God’s glory, the good of His church, and the safety, honour, and welfare of the sovereign,” that guarantee for the truth of their asseveration, which is conveyed in the recognition of a supreme Being—expressly invoked in the Oath and emphatically recognised in the scrupulous reverence which induced the omission of God’s Name from the solemn Affirmation.

The precise form of the proposed Oaths Amendment Bill is not yet published, but the Attorney-General explains that it

consists in an extension of the fourth section of the Act of 1866, so as to enable any one to make the affirmation now assigned to "Quakers, Moravians, and Separatists." I do earnestly trust that the descendants of the brave and God-fearing Quakers, who, suffering for conscience' sake, won by their constancy the privilege they sought, will resent this attempt to confound their punctilious observance of God's written Word with the contemptuous rejection of God and His Word, and place Atheists and Quakers in the same category. Yet this attempt has received through the unsanctioned publication of a private letter the incautious but powerful advocacy of the Lord Chancellor. Those who, from their recollection of Roundell Palmer, respect and esteem Lord Selborne, will readily accept his assurance of horror at Mr. Bradlaugh's opinions, they will feel that nothing but a sense of justice which he pleads as due alike to Christian and Infidel would have evoked his advocacy of an odious cause, and they will with him rejoice to find that this advocacy is warranted neither by the facts of the case, by the law of England, nor by the law of equity.

I proceed to establish this proposition.

"It does not appear to me," writes Lord Selborne, "*just to assert against one particular man (however bad he may be) a power in the House of Commons to test the sincerity of an Oath which he appears to take in the manner prescribed by law—by an extrinsic evidence of his actual belief or disbelief.*"

The conclusion would be correct, if the premisses were correct, but *they are not correct.*

Mr. Bradlaugh did not propose to take the Oath in the manner prescribed by law, for the law requires not only that certain words be recited but that they be uttered in the sense and intention of the Oath, and the sense and intention Mr. Bradlaugh had unmistakably disavowed. No "extrinsic evidence" was required or alleged. Mr. Bradlaugh's original claim to affirm as "a person upon whose conscience an Oath would have no binding effect" was conclusive upon the point of his disbelief, and had any doubt remained it would have been dispelled by Mr. Bradlaugh's manifesto of the 20th May designating the Oath as an *idle and unmeaning form.* This manifesto was in the

hands of the Members of the House when Mr. Bradlaugh on the 21st May presented himself to take the Oath. The power of prevention then for the first time asserted by the House had truly *no precedent*, but truly also “there was no precedent of a Member coming to the table and intimating that an Oath would not as an Oath be binding on his conscience.”

That this unprecedented conduct of Mr. Bradlaugh justified the intervention of the House may be maintained upon the dictum of Mr. Gladstone, that “taking the Oath in connection with the declaration that the words were of no value *was not* taking the Oath at all,” a conclusion accepted also by Sir Henry James on the 21st June, 1880.

The contention that the House should have looked on complacently while Mr. Bradlaugh was reciting a form of words which to him were no Oath at all, because there was no precedent to guide them, is simply monstrous. No Englishmen could calmly permit their earthly sovereign to be insulted, still less could they tolerate an outrage to their heavenly King, and by their acquiescence be accomplices in an act of defiant profanity. “To take God’s name in vain” is forbidden in the Decalogue, and the supercession of the third commandment by a parliamentary resolution would be but the first step towards the abrogation of other commandments exceedingly irksome to those who are aggrieved by the restraint of God’s laws upon the indulgence of their vices and evil passions.

“Binding on his conscience” is a phrase constantly occurring in immediate connection with Mr. Bradlaugh’s disavowal of a Supreme Being. A claim to having a conscience and a disclaimer of God’s existence are self-destructive propositions. Conscience is the mind of man guided by God’s spirit. The voice, the warnings, the reproofs of conscience, are the voice, the warnings, the reproofs of God. If there be no God, there can be no conscience; and if a man professing Atheism asserts that he too has a conscience—for he feels and obeys its motions his averment, if true, means this, that in him also, though he disowns it, God’s Spirit moves, for God left not himself without a witness in the mind of any man made in His image. Intellectual pride and persistent wilful sin may silence and expel the

Spirit; but in the mind of man so deserted, as there is no God, so there can be no conscience.

Lord Selborne's remark that "if it be wrong to admit unbelievers to share in civil government our laws ought to be made practically efficacious for that purpose, which every one knows they are not," is equivalent to saying that because you cannot read men's hearts and test the sincerity of their promises upon the most sacred and important matters you should abrogate all the sanctions which lend to those promises their solemnity and force, and through the appeal to a higher power secure the fidelity of him who promises. The denial of any power other and higher than himself cancels all responsibility and leaves a man free (whatever he may have promised) to follow the course which he deems most conducive to his personal advantage and present enjoyment.

It has been alleged, that when Mr. Bradlaugh returned to the House on the 26th April from his second election, he appeared and should have been treated as a new man. The history of the case leads to a different opinion. Mr. Bradlaugh's identity had not altered, nor had the House whom Mr. Bradlaugh insulted been changed. This Parliament has been treated by him with unexampled indignity; and by this Parliament his offence can never be condoned. The continuity of the parliamentary incident, and the justification legally and morally of the House to take the course it has pursued, are definitely established by the Speaker's deliberate decision upon the 20th May.

Mr. Collins, newly returned from Knaresborough, presented himself to take the Oath, and Sir Wilfrid Lawson interposed with a view to questioning him. Mr. Collins took the Oath, notwithstanding the interposition, with the approval of the Speaker, who explained his reason in these words:--

"The hon. Member for Knaresborough presented himself at the Table of the House to take the Oath of allegiance, as prescribed by the Parliamentary Oaths Act, according to the usual practice of this House. It had been reported to me, no doubt, that the hon. Baronet, the Member for Carlisle, intended to interpose, and I had determined that it was my duty, in case any interposition was offered by the hon. Baronet, or by any

other Member of this House, not to allow such interposition. I wish to point out to the House that the case of the hon. Member for Northampton was essentially different, that the hon. Member himself raised the questions which demanded the consideration of the House, and led to those proceedings with which the House is familiar. Had he in the first instance presented himself to take the oath, as the hon. Member for Knaresborough has done to-day, I should not have permitted any Member to interpose, and I am persuaded in so doing I have taken the course that is consistent with my duties to this House."

These well considered words must definitively close the discussion of this painful episode in our Parliamentary history—expressing as they do the impartial judgment of an authority from which there is no appeal.

In view of this authority it will be a relief to Lord Selborne to find that he can retract his charge of injustice against the House of Commons, who, fulfilling a public duty and acting within their legal rights, have thus far maintained the dignity of the Legislature and averted the perpetration of a flagrant dishonour to Almighty God.

These remarks are based exclusively upon occurrences passing within the House of Commons, but they should suffice wherever known to excite a determined protest against any legislation calculated to impair the serious and solemn responsibility which should attend admission to the Imperial Legislature.





